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TO

Make provision for the better disposal of the business under the Land Law (Ireland) Acts, and for other purposes relating thereto.

A.D. 1886.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

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The County Court.

1.—(1.) In any proceedings for fixing the judicial rent of a holding under the Land Law (Ireland) Acts, the Civil Bill Court shall have the assistance of two or more assistant commissioners, assigned from time to time to the Civil Bill Court by the Land Commission, who shall together inspect and value holdings, and report thereon, and to whom shall be delegated such of the powers of the Land Commission, other than the power of deciding cases, as the Land Commission think necessary for enabling them to give such assistance to the county court judge.

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15 The assistant commissioners to be assigned may be either assistant commissioners in office at the time of the passing of this Act, or assistant commissioners to be appointed in the manner provided by the Land Law (Ireland) Act, 1881.

(2.) Where a sub-commission has been formed for any district under section forty-three of the Land Law (Ireland) Act, 1881, the Land Commission, with the consent of the Lord Chancellor, may, without application from a party, distribute with due regard to the convenience of the parties, between such sub-commission and the Civil Bill Courts having jurisdiction in that behalf the cases or proceedings for the fixing of a judicial rent under the Land Law

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[Bill 199.]

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Amendments
in Part VI.
of the Act
44 & 45 Vict.
c. 49.

A.D. 1888. (Ireland) Acts pending at the passing of this Act, or subsequently begun from time to time, in such proportions as the Land Commission with the consent of the Lord Chancellor may direct.

After the passing of this Act, a party shall not be entitled as of course to have any proceedings transferred from a Civil Bill Court to the Land Commission. But the Land Commission may, on the application of a party and for good cause, order any proceedings to be transferred from a Civil Bill Court to the Land Commission or from the Land Commission to a Civil Bill Court.

The Lord Lieutenant, with the consent of the Treasury, may order that any county court judge, and any officer of a county court whose whole time is not devoted to the public service, shall receive such additional remuneration, out of moneys to be provided by Parliament, as having regard to the addition to their duties respectively in disposing of the cases transferred to the county court under this Act, the Treasury may from time to time sanction.

Appeals.

2. The jurisdiction to re-hear cases conferred upon the Land Commission by the forty-fourth section of the Land Law (Ireland) Act, 1881, and the jurisdiction to hear appeals conferred upon the Land Commission by the forty-seventh section of the same Act, may be exercised by such members of the Land Commission constituted by the said Act, not being less than two in number, as may be prescribed by rules made under the said Act.

Upon a re-hearing or appeal before two commissioners, such two commissioners shall reserve any question upon which they fail to agree; and if it is a question of value, they shall cause an independent valuation to be made, and may in exercise of the powers conferred on them by the Land Law (Ireland) Act, 1881, appoint valuers, with the consent of the Treasury; and the question reserved shall be determined by three members of the Land Commission sitting together in the prescribed manner.

In addition to the rights as to re-hearing and appeal conferred by the forty-fourth and forty-seventh sections of the Land Law (Ireland) Act, 1881, any person aggrieved by the decision of a Civil Bill Court or of a sub-commission, under the Land Law (Ireland) Acts, upon any question of law, or of mixed law and fact, may require the court or sub-commission to direct a special case to be stated, and the court or sub-commission shall, unless satisfied that the application is frivolous or vexatious, cause a case to be stated, and shall sign the case, and it shall be lodged in the prescribed manner in the High Court of Justice in Ireland, and subject to rules of Court made under the Supreme Court of Judicature Act (Ireland), 1877, as amended by any other Act, shall be heard and determined by a Divisional Court.

Provision shall be made by such rules that the Judicial Commissioner of the Irish Land Commission shall, as far as may be found practicable and convenient, be one of the judges by whom such special cases shall be heard. A.D. 1888,

5 A special case may, if necessary, be amended, either by consent of the parties or on the certificate of the county court judge or of the sub-commissioners by whom such decision was given or such of them as may be still in office.

10 If the court hearing a special case are of opinion that the matter for decision would be more properly determined by the Land Commission, as depending wholly or mainly on questions of fact, they may remit the matter to the Land Commission, with directions, if it should appear to the court necessary, upon points of law, and may make such order as to the costs of such
15 special case as to them may seem just.

The court before whom a special case is heard may, if they think fit, permit any party to the proceedings to appeal in respect of any matter arising in such proceedings to Her Majesty's Court of Appeal in Ireland, whose decision shall be final.

20 Rules may be made for regulating the procedure as to the time and mode of appealing by way of special case, and as to remitting matters from the High Court to the Land Commission, and generally for carrying this section into effect, as regards the High Court, by the authority by which rules are made under the
25 Supreme Court of Judicature Act (Ireland), 1877, and the Acts amending the same, and as regards the county courts and the Land Commission by the authority by which rules are made under the Land Law (Ireland) Act, 1881.

The Land Commission.

30 3. Notwithstanding the enactment contained in the forty-first section of the Land Law (Ireland) Act, 1881, the Land Commission and the offices of the two members thereof constituted under that Act, other than the Judicial Commissioner, shall not come to an end on the twenty-second day of August, one thousand eight
35 hundred and eighty-eight; but shall be continued for a further period of seven years from that date.

Amendment
of section
41 of
45 & 46 Vict.
c. 49.

The two persons appointed to be members of the Land Commission under the Purchase of Land (Ireland) Act, 1885, shall continue in office until the money provided or to be provided by Parliament
40 for the purposes of that Act shall have been appropriated by the Land Commission for advances made or sanctioned for the said purposes, or until the Treasury, having regard to the pressure of business in the Land Commission under the said Act and otherwise,

A.D. 1888. by order declare that the services of the said two persons are no longer required.

When the offices of the said two last-mentioned persons shall have determined, the Judicial Commissioner for the time being, with the two persons for the time being holding the offices created by the 5 Land Law (Ireland) Act, 1881, shall constitute the Irish Land Commission; and shall have all the jurisdiction and powers, and shall discharge the duties vested in or imposed on the Irish Land Commission, or on any of its members, by or under the authority of any Act of Parliament or otherwise. 10

The persons for the time being holding the said two offices created by the Land Law (Ireland) Act, 1881, shall discharge any duties connected with the transfer of land in Ireland, which may be imposed upon them by or under the authority of any Act of Parliament hereafter to be passed. 15

From and after the passing of this Act, all members of the Land Commission, without distinction, shall have the same powers of carrying into effect the Purchase of Land (Ireland) Act, 1885, and the Acts amending it, as the two members appointed under that Act. Rules may be made from time to time under the fiftieth 20 section of the Land Law (Ireland) Act, 1881, providing for the distribution of all business under the Land Law (Ireland) Acts between the members of the Commission, so far as may be consistent with the provisions of those Acts, and such rules may require a member of the Commission appointed under the Purchase of Land 25 (Ireland) Act, 1885, to perform such duties as he should have performed if he had been named in the Land Law (Ireland) Act, 1881, a member of the Land Commission other than the Judicial Commissioner.

Sittings of
the Civil
Bill Court,
40 & 41 Vic.
c. 55.

4. The powers conferred upon the Lord Lieutenant by the 30 ninetieth section of the County Officers and Courts (Ireland) Act, 1877, of fixing the times and places and the districts or divisions for which the general or quarter sessions and Civil Bill Court or Civil Bill Court only shall be held for a county, may be exercised not only when two or more counties have been united 35 under the said Act, but also in the case of a county not united to any other county, and shall apply to sittings under any Act whereby jurisdiction is conferred upon the county court judges, and shall authorise the Lord Lieutenant to determine the number of such sittings in each year. 40

Interpreta-
tion.

5. In this Act the expression "the Lord Lieutenant" includes the Lords Justices or other chief governor or governors of Ireland for the time being.

The expression "the Land Law (Ireland) Acts" includes the A.D. 1888.
Landlord and Tenant (Ireland) Act, 1870, the Land Law (Ireland)
Act, 1881, the Purchase of Land (Ireland) Act, 1885, the Land
Law (Ireland) Act, 1887, and this Act.

5 The expression "the Treasury" means the Commissioners of Her
Majesty's Treasury.

6. This Act may be cited for all purposes as the Land Law (Ireland) Act, 1888.

**Land Law (Ireland)
(Land Commission).**

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To make provision for the better disposal
of the business under the Land Law
(Ireland) Acts, and for other purposes
relating thereto.

*(Prepared and brought in by
Mr. Arthur Sullivan, Mr. Solicitor-General
for Ireland, and Gilbert King, Esquire.)*

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